

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	Criminal No. 1:01-CR-248
v.	:	(Judge Caldwell)
	:	
DARYL LONARD PARKER	:	(Electronically Filed)

MOTION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM

AND NOW, comes the defendant, Daryl Lonard Parker, by his attorney Frederick W. Ulrich of the Federal Public Defender's office, and files this Motion for Writ of Habeas Corpus Ad Testificandum and in support thereof, avers the following:

1. On August 22, 2002, Petitioner, Daryl Lonard Parker, was convicted of conspiracy to manufacture, distribute and possess with intent to distribute cocaine and cocaine base, in violation of 21 U.S.C. § 846 and manufacturing, distributing and possessing with the intent to manufacture and distribute crack cocaine, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.
2. On July 6, 2005, Petitioner was sentenced to 349 months imprisonment.
3. On August 29, 2006, the Third Circuit Court of Appeals affirmed his conviction and judgment of sentence.

4. Petitioner filed a Petition Under 28 USC §2255 to vacate his sentence on October 15, 2007, claiming that his trial counsel was ineffective for failing to interview witnesses, specifically, Travis Parker.

5. A hearing on the motion is set for June 26, 2008.

6. Petitioner claims that Travis Parker, a co-defendant, would have consented to be interviewed and is willing to testify to the extent of Petitioner's involvement.

7. Co-defendant Travis Thurston Parker (Reg. No. 10864-067) is now in the custody of the Warden of the Federal Correctional Institution at Schuylkill, Pennsylvania, by virtue of his federal sentence of 180 months, imposed on May 24, 2005.

8. Pursuant to Rule 17(b) of the Federal Rules of Criminal Procedure, the defendant requests that the costs associated with the writ of habeas corpus ad testificandum be borne by the government.

WHEREFORE, it is respectfully requested that said Motion for Writ of Habeas Corpus Ad Testificandum be granted, that the Court direct production of TRAVIS THURSTON PARKER and that the costs associated with the request be borne by the government.

Respectfully submitted,

Date: June 10, 2008

/s/ Frederick W. Ulrich
Frederick W. Ulrich, Esquire
Asst. Federal Public Defender
Attorney ID #44855
100 Chestnut Street, Suite 306
Harrisburg, PA 17101
Tel. No. (717) 782-2237
Fax No. (717) 782-3881
<fritz_ulrich@fd.org>
Attorney for Daryl Lonard Parker

CERTIFICATE OF SERVICE

I, Frederick W. Ulrich of the Federal Public Defender's Office, do hereby certify that I served a copy of the foregoing SENTENCING MEMORANDUM, via Electronic Case Filing, or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

Christy H. Fawcett, Esquire

[REDACTED]
[REDACTED]
[REDACTED]

Daryl Lonard Parker

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date: June 10, 2008

/s/ Frederick W. Ulrich
Frederick W. Ulrich, Esquire
Asst. Federal Public Defender
Attorney ID #44855
100 Chestnut Street, Suite 306
Harrisburg, PA 17101
Tel. No. (717) 782-2237
Fax No. (717) 782-3881
<fritz_ulrich@fd.org>
Attorney for Daryl Lonard Parker